

10/522450
PATENT

Attorney's Docket No. 2856
(203-3411)

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (*check one applicable item below*)

- original
- design
- supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- divisional
- continuation
- continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am an inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

IVS OBTUATOR INSTRUMENT AND PROCEDURE

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SPECIFICATION IDENTIFICATION

the specification of which: (*complete (a), (b) or (c)*)

- (a) is attached hereto.
- (b) was filed on _____ as Serial No. _____ -or Express Mail No., as Serial No. not yet known _____ and was amended on (*if applicable*).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

- (c) was described and claimed in PCT International Application No.
PCT/EP2003/008067 filed on 23 July 2003 and as amended under
PCT Article 19 on 8 July 2004 (*if any*).
PCT/EP2003/08067

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, and

- in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. §1.98.

PRIORITY CLAIM (35 U.S.C. §119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Rec'd PCT/PTO 20 JAN 2005

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(complete (d) or (e))

(d) no such applications have been filed.

(e) such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
PCT	PCT/EP2003/008067	23 July 2003 ✓	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
	PCT/EP2003/00807		<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

60/397,905

23 July 2002 ✓

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

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POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

5-
MARK FARBER, Reg. No. 34,159; KIMBERLY V. PERRY, Reg. No. 43,612; LISA J. MOYLES, Reg. No. 40,737; BRIAN LEFORT, Reg. No. 43,747; and PAUL GARDON Reg. No. 48,761; each of them of United States Surgical, a division of TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856; and

5-
DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978; RAYMOND E. FARRELL, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; and RUSSELL R. KASSNER, Reg. No. 36,183; each of them of CARTER, DELUCA, FARRELL & SCHMIDT LLP, 445 Broad Hollow Road, Suite 225, Melville, New York 11747.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

Mark Farber, Esq.

UNITED STATES SURGICAL,

(203) 845-1000

a Division of Tyco Healthcare Group LP

150 Glover Avenue

Norwalk, CT 06856

DECLARATION

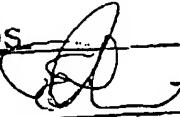
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

10/522450

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

100

Full name Peter PETROSDate 19.1.05Signature Country of Citizenship AUSResidence 3 Wilson Street, Claremont, Western Australia 6010Au XPost Office Address (Same)Full name Stuart MORTON

Date _____

Signature _____

Country of Citizenship Great BritainResidence 21, ave de Fulpmes, F-78450 Villepreux, FrancePost Office Address (Same)

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SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name Peter PETROS

Signature _____ Date _____

Country of Citizenship AUS

Residence 3 Wilson Street, Claremont, Western Australia 6010

Post Office Address (Same)

2-00 Full name Stuart MORTON Ok Date 19/1/05

Signature _____ Date _____

Country of Citizenship Great Britain

Residence 21, ave de Fulpmes, F-78450 Villepreux, France FRX

Post Office Address (Same)